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10/524,256	02/10/2005	Jurgen Baumie	PD020080	9906

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EXAMINER
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CHRZANOWSKI, MATTHEW R

ART UNIT	PAPER NUMBER
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2186

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11/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,256

Applicant(s)

BAUMIE ET AL.

Examiner

Matthew R. Chrzanowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 02/10/2005.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the decoder of claims 6 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate both servo-system and micro controller (*see abstract, and pages 12-13 of specification*). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.

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- (1) Field of the Invention.
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

- 3. The disclosure is objected to because of the following informalities: The abstract uses the same reference number "1" for the "servo-system" and for the "micro controller". Appropriate correction is required.
- 4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. **Claims 5-7** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 7. **Claim 5** recites the limitation "it" in line 8 of the claim. There is insufficient proper antecedent basis for this limitation in the claim.

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8. **Claim 6** recites the limitation "it" in line 2 of the claim. There is insufficient proper antecedent basis for this limitation in the claim. Examiner assumes Applicant's "it" refers to "the decoder".

9. **Claim 7** recites the limitation "it" in line 2 of the claim. There is insufficient proper antecedent basis for this limitation in the claim. Examiner assumes Applicant's "it" refers to "the apparatus".

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 6-7** rejected under 35 U.S.C. 102(b) as being anticipated by **Min (US Patent # 5936917, hereinafter "Min")**.

Consider **claim 6**, Min discloses decoder (*decoder 304: FIG. 3*) for optical recording media (*CD: abstract*), wherein it performs a method according to claim 1 or uses a communication protocol (*abstract; FIG. 1-4*).

Consider **claim 7**, Min discloses apparatus for reading from and/or writing to optical recording media (*CD: abstract*), it performs a method according to claim 1, uses a communication protocol (*abstract; FIG. 1-4*), and/or uses a decoder (*decoder 304: FIG. 3*).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. **Claims 1, 3, 4** rejected under 35 U.S.C. 103(a) as being unpatentable over **Min** (US Patent # 5936917, hereinafter "**Min**").

Consider **claim 1**, Min discloses a method for synchronizing subcode time codes and sector addresses of data contained on a recording medium for the communication between a data processing system and a micro controller (*abstract, FIG. 1-4*), comprising the steps of:

sending a number of sectors from the micro controller to the data processing system; requesting information about the sector headers of the

received sectors from the data processing system; and calculating the difference between the subcode time codes and the sector addresses using the information about the sector headers (*abstract; FIG. 1-4; column 3, line 1-column 4, line 4*).

However, Min may not specifically disclose wherein it further comprises the steps of repeating the synchronisation steps for different sessions recorded on the same recording medium. In other words, Claim 1 differs from Min in that more than one session is recorded on the recording medium, and the synchronizations steps of Min are repeated for each session.

Examiner takes official notice, that it is common knowledge for the skilled person in the art, that there exists Multisession CDs, which differ from CD-ROM essentially in that multiple different sessions can be recorded sequentially. It is also common knowledge that for each different session, there is a different TOC on the disc. Min teaches that "the sub-Q code and header act as a lapse from the end of the TOC of the CD-ROM to the position of interest on the CD-ROM (*column 3, lines 1-6*)". It is obvious that this teaching can be applied for each new TOC of a multisession CD, leading each time to the same type of offset problem. When confronted with known multisession CDs, the skilled person in the field would inevitably desire to solve the same problem of Min in this context, meaning for each session. Each of the problems occurring for each different session can obviously be solved by the same synchronizing method as defined in Min, which means that the method of Min can be applied to each of the sessions of a



multisession CD. In particular, there is no new technical problem implied by the fact that the CD would contain several sessions, other than a repetition of the same problem already defined and solved in Min. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to repetitively apply the solution of Min to each of the different sessions of a multisession CD.

Consider **claim 3**, and as applied to **claim 1** above, Min discloses the method further comprising the step of storing the sectors in a memory (*The method includes the providing a read-out command to a controller in the CD-ROM drive, searching for a sub-Q code area of a first frame and reading the sub-Q code of the sub-Q code area according to the read-out command and storing the same, by means of the controller, enabling a decoder in the CD-ROM drive and reading header information which is the primary output from the decoder, by means of the controller, calculating the difference between the stored sub-Q code and the stored header information: abstract; column 2, lines 1-25; column 3, lines 24-25*).

Consider **claim 4**, and as applied to **claim 1** above, Min discloses the method wherein absolute time information conveyed in the sector headers and in absolute time fields of the q-channel of the subcode frame is used for calculating

the difference between the subcode time codes and the sector addresses (S540-S555: FIG. 4).

15. **Claims 2 and 5** rejected under 35 U.S.C. 103(a) as being unpatentable over **Min (US Patent # 5936917, hereinafter "Min")** as applied to **claim 1** above, and further in view of **Ludtke et al. (PGPUB US 2002/0089517, hereinafter "Ludtke")**.

Consider **claim 2**, and as applied to **claim 1** above, Min discloses the method of claim 1.

However, Min may not specifically disclose the method further comprising the steps of: asking the data processing system for a confirmation of sector reception; and implementing a continuity counter in the data processing system to check if the expected sectors were received.

Ludtke discloses a method of data transmission (*title; abstract*) further comprising the steps of: asking the data processing system for a confirmation of sector reception (*acknowledgement protocol: paragraph [0005]*); and implementing a continuity counter in the data processing system to check if the expected sectors were received (*the continuity counter of data blocks to detect a loss of data blocks: paragraph [0053]*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an acknowledgment protocol and continuity counter in the system of Min, because this aids data integrity,

ensures data is received correctly or not, and can indicate if a resend of data is required. Furthermore, it would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.

Consider **claim 5**, Min discloses a communication protocol for the communication between a data processing system and a micro controller (*abstract, FIG. 1-4*), whereby a set of commands and messages necessary for synchronization between subcode time codes and sector addresses of data contained on a recording medium is defined (*abstract, FIG. 1-4*), the set of commands and messages comprising commands for scanning sectors (*S520: FIG. 4*) and for reading sector data and messages for sending information on the sectors and the read sector data (*S510, S525, S535: FIG. 4*).

However, Min may not specifically disclose wherein it further comprises commands and messages for asking the data processing system for a confirmation of sector reception.

Ludtke discloses a method of data transmission (*title; abstract*) further comprises command and messages for asking the data processing system for a confirmation of sector reception (*acknowledgement protocol: paragraph [0005]*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an acknowledgment protocol in the system of Min, because this aids data integrity, ensures data is received

correctly or not, and can indicate if a resend of data is required. Furthermore, it would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R. Chrzanowski whose telephone number is (571) 270-1176. The examiner can normally be reached on M-Th 7:30am-5:00pm, Every other Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew R Chrzanowski  
Examiner  
Art Unit 2186

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11/25/07



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